

# STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Torrens Title  
Subdivision of 1 Lot  
into 2 Lots

59 Lantana Avenue,  
Wheeler Heights

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# Statement of Environmental Effects

**Proposed Torrens Title Subdivision of 1 Lot into 2 Lots**

**59 Lantana Avenue, Wheeler Heights**

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**Attachment 1** Clause 4.6 variation request - Minimum Lot Size

## 1 Introduction

This Statement has been prepared in support of an application proposing the Torrens Title subdivision of the existing allotment into 2 Lots and driveway works. The existing dwelling house is retained with all stormwater drained to the existing stormwater infrastructure for which there is an easement through Lot 1, DP522409, 61 Lantana Avenue.

Although the resultant lot sizes are below the minimum subdivision lot size standard strict compliance is unreasonable and unnecessary given the minor numerical nature of the non-compliances, the lot sizes established within this street block and the geometry of the proposed lots which demonstrate an ability to accommodate compliant dwelling houses with any future dwelling house on proposed Lot 202 subject to separate development consent. The accompanying clause 4.6 variation request is well founded. The proposal does not require the removal of any significant trees or vegetation. In addition to the Statement of Environmental Effects this application is also accompanied by the following:

- Survey Plan with a draft plan of subdivision
- Geotechnical report
- Traffic Impact Statement
- Arborist report
- Waste management plan
- Cost summary report

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979
- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan 2011

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

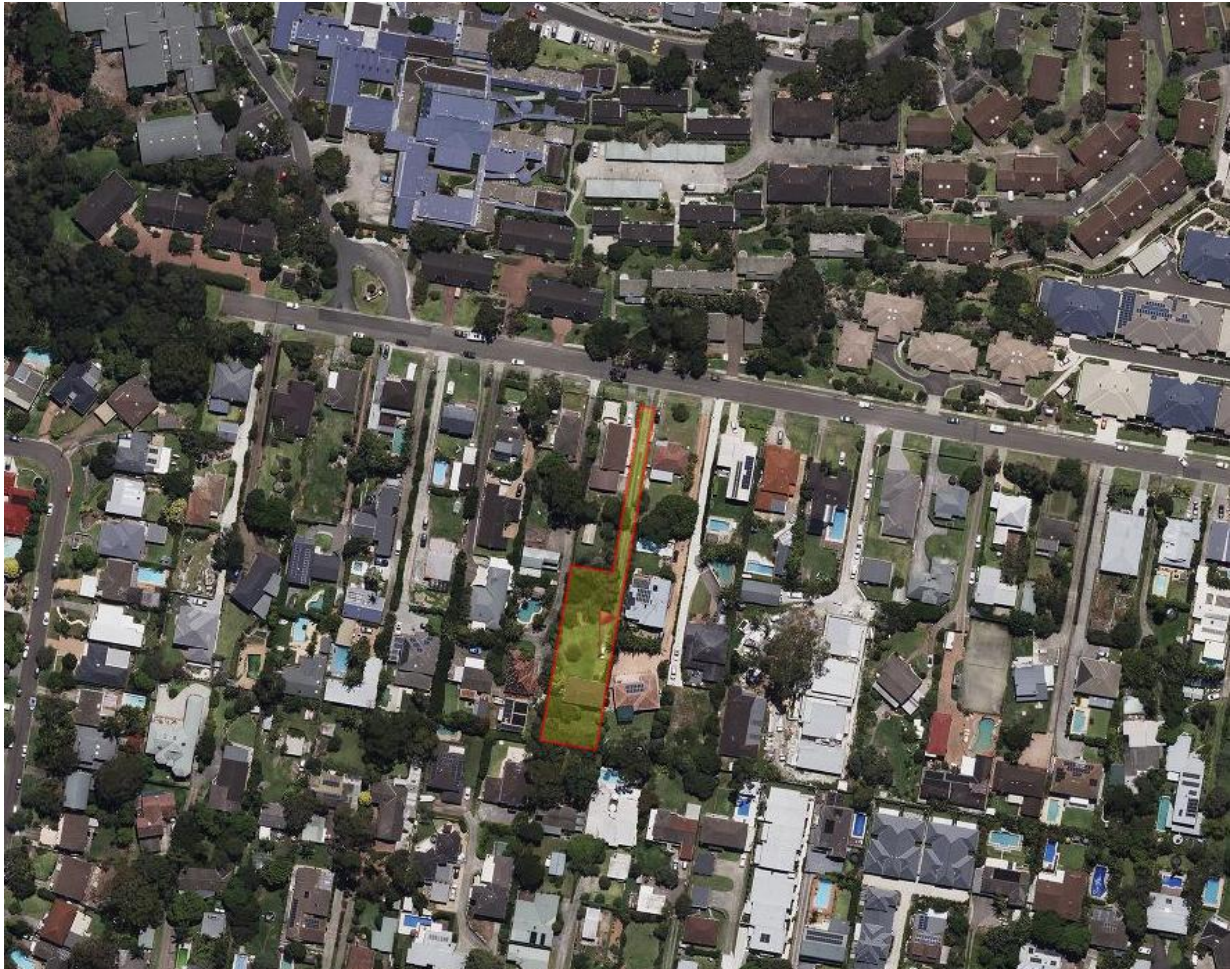
- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposed subdivision is compatible with the subdivision pattern established within the immediate locality and consistent with the zone objectives.
- The proposed subdivision will maintain appropriate residential amenity to surrounding development.
- The proposed allotments are appropriately serviced and accessed.
- The resultant allotments will be safe from hazards and are of sufficient size and dimension to accommodate compliant dwelling houses.

- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.

## 2 Site Analysis

### 2.1 Site Description and Location

The application relates to Lot 2 in DP 522409, 59 Lantana Avenue, Wheeler Heights. An aerial location map is included as **Figure 1**.



**Figure 1:** Site Location (Source: Six Maps)

The subject property is battleaxe in shape having frontage to Lantana Avenue of 4.57m, a battleaxe length of 60.69m and a total depth of 124.015m. The site has a width across its rear boundary of 20.115m and a total site area of 1547m<sup>2</sup>.

The site is occupied by a 2 storey dwelling house accessed via a driveway from Lantana Avenue. The site is informally landscaped with a number of trees located generally around the perimeter. All stormwater drains to the existing stormwater infrastructure for which there is an easement through Lot 1, DP522409, 61 Lantana Avenue.

Development in the local area predominately consists of detached style housing interspersed by seniors housing and a residential care facility (RSL Anzac Village) directly to the north of the site. The site is not heritage listed or located within a heritage conservation area or within the vicinity of any heritage items.



**Figure 2:** Subject property (access handle) as viewed from Lantana Avenue

### 3 Description of Proposed Development

#### 3.1 Details of the Proposed Development

This application proposes the Torrens Title subdivision of existing allotment into 2 Lots. The subdivision includes appropriate easements to manage stormwater drainage, services and right-of-carriageway for access as depicted on the plan of proposed subdivision prepared by Bee and Lethbridge Surveyors an extract of which is at Figure 3 below.

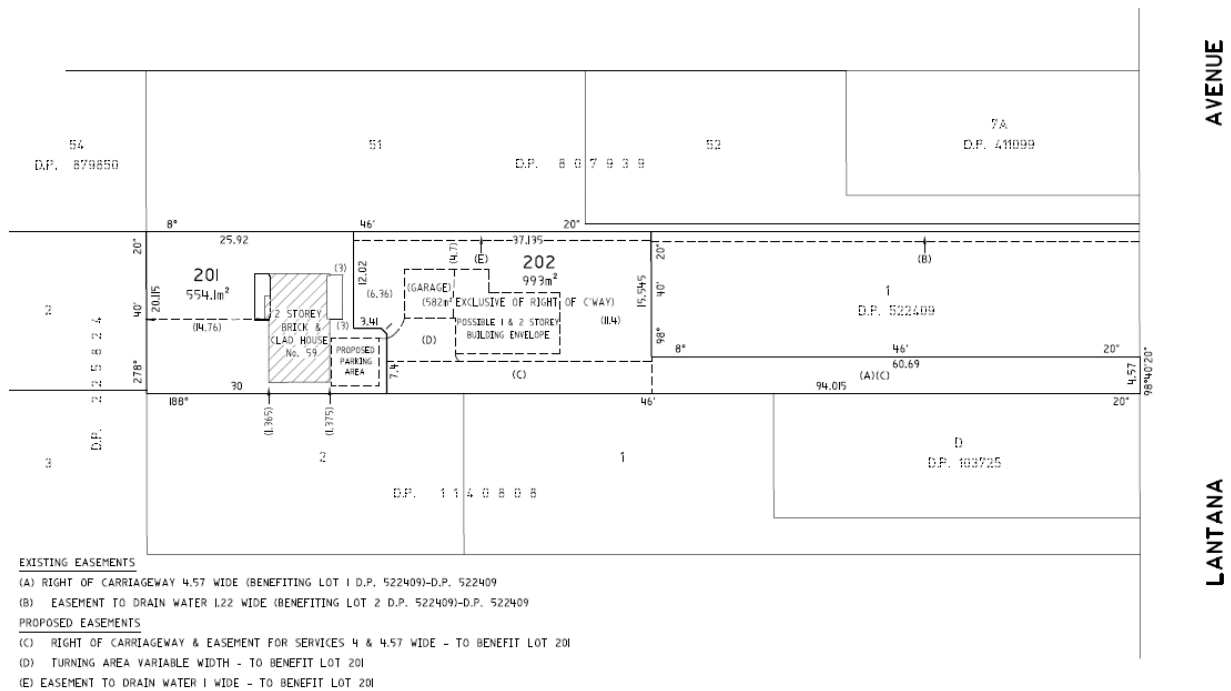


Figure 3: Draft plan of subdivision

The proposed allotments have the following characteristics:

Lot	Lot area sqm	Lot width	Lot depth
201	554.1m²	20.115m	25.92 - 30m
202	993m² (582m² less access handle)	20.115m	94.015 – 37.135m



## 4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

### 4.1 Warringah Local Environmental Plan 2011

The Warringah Local Environmental Plan 2011 is the principal local planning instrument applicable to the land. The relevant provisions of the LEP and the manner in which they relate to the site and the proposed development are assessed below.

#### 4.1.1 Zoning and Permissibility

The subject property is zoned R2 Low Density Residential pursuant to the provisions of the Warringah Local Environmental Plan 2011.

The specific objectives of the zone are identified as follows:

- *To provide for the housing needs of the community within a low density residential environment*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

The application proposes a Torrens title subdivision to create 2 lots capable of accommodating dwelling houses which are permissible with consent in the zone.

#### 4.1.2 Minimum Lot Size

Pursuant to clause 4.1(3) of WLEP 2011, the minimum subdivision lot size of any lot resulting from a subdivision is not to be less than the minimum lot size shown on the Lot Size Map, being 600m<sup>2</sup> in relation to the subject site. We note that in determining site area that the area of any access handle is to be excluded from the lot size calculation. The objectives of the clause are as follows:

- (a) *to protect residential character by providing for the subdivision of land that results in lots that are consistent with the pattern, size and configuration of existing lots in the locality,*
- (b) *to promote a subdivision pattern that results in lots that are suitable for commercial and industrial development,*
- (c) *to protect the integrity of land holding patterns in rural localities against fragmentation,*
- (d) *to achieve low intensity of land use in localities of environmental significance,*
- (e) *to provide for appropriate bush fire protection measures on land that has an interface to bushland,*

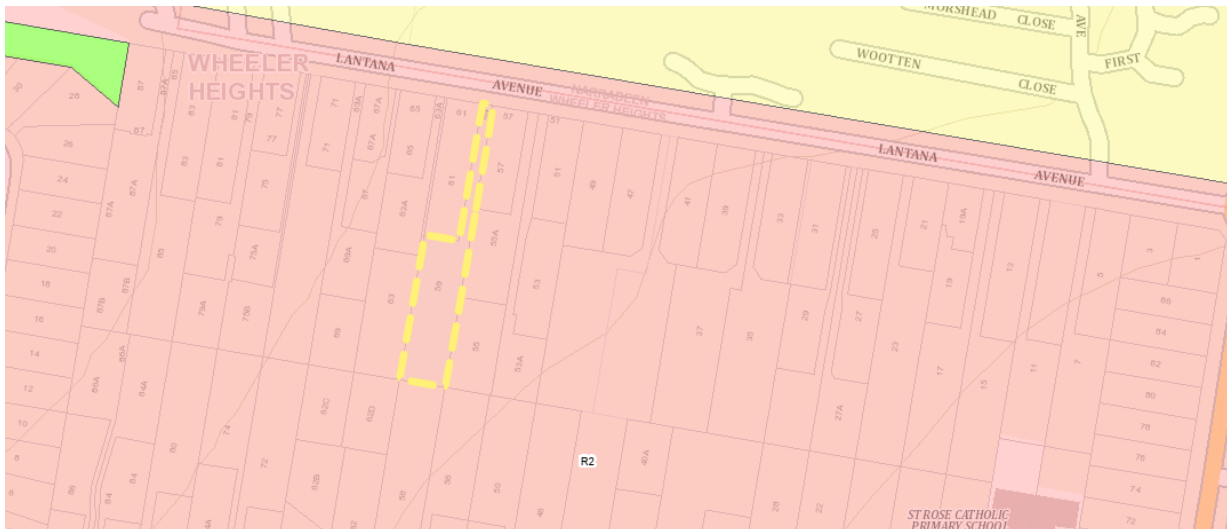
- (f) to protect and enhance existing remnant bushland,
- (g) to retain and protect existing significant natural landscape features,
- (h) to manage biodiversity,
- (i) to provide for appropriate stormwater management and sewer infrastructure.

The proposed Lots have lot sizes, exclusive of the area of the proposed access handle, of 554.1m<sup>2</sup> (Lot 201) and 582m<sup>2</sup> (Lot 202) representing non-compliances of 45.9m<sup>2</sup> (7.65%) and 18m<sup>2</sup> (3%) respectively.

Clause 4.6 of WLEP 2011 provides a mechanism by which a development standard can be varied. The objectives of this clause are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Having regard to these provisions, strict compliance has been found to be unreasonable and unnecessary in this instance given the ability to achieve the objectives of the standard and the consistency of the resultant lot sizes and battleaxe subdivision topology with that established by other battleaxe allotments located within the street block and the ability to accommodate compliant dwelling houses on each of the proposed allotments. The established subdivision lot pattern and allotment sizes are depicted in the following images. Sufficient environmental planning grounds exist to support the variation proposed as outlined in the accompanying clause 4.6 variation request at ANNEXURE 1.



**Figure 3** – Zoning map extract showing established battleaxe allotment subdivision pattern within the street block.

Areas of Front and Rear Lots where 3 or more titles have been created (excluding handles) - m<sup>2</sup>



Figure 4 – Allotments sizes within the street block.

The resultant lots provide for a complimentary and compatible subdivision arrangement consistent with that established by surrounding development. The allotments are of adequate size and dimension to accommodate compliant dwelling houses. The subdivision includes appropriate easements to manage stormwater drainage, services and right-of-carriageway for access.

#### 4.1.3 Height of Buildings

Pursuant to clause 4.3 WLEP the height of any building on the land shall not exceed 8.5 metres above existing ground level. The stated objectives of this clause are as follows:

- (a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,
- (c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,
- (d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.

No changes are proposed to the existing dwelling house located on proposed Lot 201 which is compliant with the height standard. Proposed Lot 202 is of adequate size and dimension to accommodate a dwelling house of compliant building height subject to future development application.

These provisions are satisfied.

#### 4.1.4 Development on Sloping Land

The site is identified as falling within Land Slip Risk Area D. The objectives of Clause 6.4 seek to:

- *Avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land;*
- *Ensure the impacts of storm water runoff from development or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land;*
- *To ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.*

A geotechnical report by Whaite Geotechnical accompanies this application. The report concludes that provided good engineering and building practice are followed there is no need for further geotechnical assessment.

#### 4.2 Warringah Development Control Plan 2011

The proposal relates to a Torrens title subdivision of 1 lot into 2 and the following relevant DCP controls have been addressed with respect to consideration of the proposed subdivision application.

##### 4.2.1 DCP Compliance Table

A table demonstrating compliance with the relevant provisions of the Warringah DCP 2011 is detailed as follows:

Control	Requirement	Proposed	Compliance
<b>Part B Built Form Controls</b>	Wall Height Site Coverage Setbacks	No works are proposed to the existing dwelling house with the internal boundary ensuring the maintenance of compliant side boundary setbacks and landscaped area. The indicative building footprint on proposed Lot 202 is of adequate size and dimension to accommodate a future dwelling house compliant with the applicable built form controls.	Yes
<b>Subdivision C1</b>	R2 Low Density Residential zone requirements:  Proposed new allotments:  a) Minimum width: 13 metres	The new allotments will have:  Width = <b>20.115m (Lot 201)</b>  <b>20.115m (Lot 202)</b>	Yes

Control	Requirement	Proposed	Compliance
	<p>b) Minimum depth: 27 metres; and</p> <p>c) Minimum building area: 150m<sup>2</sup></p> <p>Driveways that are 30m or more in length require a passing bay to be provided every 30m. To provide a passing bay, driveways shall be widened to 5.0m for a distance of at least 10m.</p>	<p>Depth = <b>25.92 - 30m (Lot 201)</b></p> <p><b>94.015 – 37.135m (Lot 202)</b></p> <p>Minimum indicative building area = <b>150m<sup>2</sup></b></p> <p>The accompanying Traffic Impact Statement prepared by Traffix Traffic and Transport Planners details the acceptability of the proposed driveway and passing arranged noting that such report contains the following commentary:</p> <p><i>TRAFFIX has been advised there are 10 existing residential subdivisions located along Lantana Avenue with each subdivision containing 2-3 lots in similar configurations to the subject proposed residential subdivision, as summarised below:</i></p> <ol style="list-style-type: none"> <li>1. 87, 87A, 87B</li> <li>2. 81, 79, 79A</li> <li>3. 77, 75, 75A, 75B</li> <li>4. 67, 67A, 69, 69A</li> <li>5. 65, 63, 63A</li> <li>6. 57, 55, 55A</li> <li>7. 53, 53A, 51</li> <li>8. 31, 29, 29A</li> <li>9. 27, 27A, 25</li> <li>10. 19, 19A, 17</li> </ol> <p><i>Each of the above 10 subdivisions are accessed via a single access driveway with no known reported operating issues and it is expected the proposed subdivision will also operate satisfactorily in this regard.</i></p>	<p>No Lot 201</p> <p>Acceptable on merit.</p> <p>Yes Lot 202</p> <p>Yes</p> <p>No</p> <p>Acceptable on merit.</p>

Control	Requirement	Proposed	Compliance
		<p>The minor variation to the depth control for proposed Lot 201 is acceptable on merit as an average depth of 27m is achieved with the allotment width, which is well in excess of the minimum, appropriately compensating for the minor shortfall in depth proposed. We also note that there is an existing dwelling house on proposed Lot 201 which demonstrates the ability to provide a compliant dwelling house and future car parking on this proposed allotment.</p> <p>The variation to the passing bay requirement is also acceptable for the reasons outlined within the accompanying Traffic Impact Statement.</p> <p>Such variations succeed pursuant to section 4.15(3A)(b) of the EP&amp;A Act, which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.</p>	
<p><b>Stormwater</b> <b>DCP Control C4</b></p>	<p>To protect and improve the ecological condition of Warringah's beaches, lagoons, waterways, wetlands and surrounding bushland;</p> <p>to minimise the risk to public health and safety;</p>	<p>All stormwater drained to the existing stormwater infrastructure for which there is an easement through Lot 1, DP522409, 61 Lantana Avenue.</p>	<p>Yes</p>
<p><b>Excavation and Landfill</b> <b>DCP Control C7</b></p>	<p>Excavation and landfill works must not result in any adverse impact on adjoining land.</p>	<p>No excavation or fill required.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
<b>Demolition &amp; Construction</b>  <b>DCP Control</b>  <b>C8</b>	A demolition and waste management plan must be satisfactorily completed and submitted.	The existing dwelling will be retained. The existing driveway will be upgraded.	Yes
<b>Waste Management</b>  <b>C9</b>	To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD).  To achieve waste avoidance, source separation and recycling of household and industrial/commercial waste.  To design and locate waste storage and collection facilities which are convenient and easily accessible; safe; hygienic; of an adequate size, and with minimal adverse impacts on residents, surrounding neighbours, and pedestrian and vehicle movements.	The application is accompanied by a waste management plan.	Yes
<b>Landscaped Open Space</b>  <b>DCP Control D1</b>	A minimum 40% landscaped open space is to be provided.	The existing dwelling house is retained on proposed Lot 201 with a landscaped open space in excess of 40% maintained.  Compliant landscaped open space is able to be achieved for proposed Lot 202.	Yes
<b>Private Open Space</b>	Dwelling houses with 3 or more bedrooms are to provide	Both allotments are able to accommodate compliant private open space areas.	Yes

Control	Requirement	Proposed	Compliance
<b>DCP Control D2</b>	a minimum area of 60sqm of private open space.		

### 4.3 State Environmental Planning Policy (Resilience and Hazards) 2021

This Policy is to provide for a state-wide planning approach to the remediation of contaminated land and contains considerations that must be given to the suitability of land in terms of contamination.

The subject site has a long history of being used for the residential purposes. The likelihood of the site being contaminated is extremely low. Thus, there is no further consideration required pursuant to this SEPP.

### 4.4 Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 as amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

(i) The provision of any Planning Instrument

The proposed residential subdivision is permissible and consistent with the applicable statutory considerations including lot size, lot geometry, the ability to accommodate compliant dwelling houses and the ability to be appropriately serviced and drained.

(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

N/A

(iii) Any development control plan

Warringah DCP applies and has been considered in the preparation of this statement.

(iiia) Any Planning Agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and



N/A

(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

N/A

(v) Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)

N/A

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,

#### *Context and Setting*

*i. What is the relationship to the region and local context in terms of:*

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

The proposed subdivision is entirely commensurate with that established by adjoining development and development generally within the sites visual catchment with no adverse residential amenity impacts in terms of views, privacy or overshadowing.

*ii. What are the potential impacts on adjacent properties in terms of:*

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

#### *Access, transport and traffic:*

*Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:*

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

Both proposed Lots will be accessed by the existing access handle from Lantana Avenue. The driveway will be upgraded as necessary.

#### *Public Domain*

The proposed development will have no adverse impact on the public domain.

#### *Utilities*

Existing utility services are available to service the proposed subdivision.

#### *Flora and Fauna*

The application is accompanied by an arborist report. Significant trees are retained.

#### *Waste Collection*

Normal domestic waste collection will apply to the proposed allotments.

#### *Natural hazards*

Identified as a geotechnical area and a geotechnical report is provided.

#### *Economic Impact in the locality*

The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction of the future dwelling house on proposed Lot 202.

#### *Site Design and Internal Design*

- i) *Is the development design sensitive to environmental considerations and site attributes including:*
  - *size, shape and design of allotments*
  - *The proportion of site covered by buildings*
  - *the position of buildings*
  - *the size (bulk, height, mass), form, appearance and design of buildings*
  - *the amount, location, design, use and management of private and communal open space*

- *Landscaping*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the general principles, desired future character and built form controls.

ii) *How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

The proposed development can comply with the provisions of the Building Code of Australia. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

#### *Construction*

i) *What would be the impacts of construction activities in terms of:*

- *The environmental planning issues listed above*
- *Site safety*

Normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

#### (c) *The suitability of the site for the development*

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

The site is located in an established residential area. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause excessive or unmanageable levels of transport demand.

The site being of moderate grade, adequate area, and having no special physical or engineering constraints is suitable for the proposed works.

(d) Any submissions received in accordance with this act or regulations

It is envisaged that Council will appropriately consider any submissions received during the notification period.

(e) The public interest

The proposed works are permissible and consistent with the intent of the LEP and DCP controls as they are reasonably applied to the proposed alterations and additions. The development would not be contrary to the public interest.

## 5 Conclusion

The proposed subdivision is permissible with consent with the resultant lot sizes and subdivision pattern consistent with that established along this section of Lantana Avenue.

Although the resultant lot sizes are below the minimum subdivision lot size standard strict compliance is unreasonable and unnecessary given the minor numerical nature of the non-compliances, the lot sizes established within this street block and the geometry of the proposed lots which demonstrate an ability to accommodate compliant dwelling houses with any future dwelling house on proposed Lot 202 subject to separate development consent. The accompanying clause 4.6 variation request is well founded. The proposal does not require the removal of any significant trees or vegetation

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposed subdivision is compatible with the subdivision pattern established within the immediate locality and consistent with the zone objectives.
- The proposed subdivision will maintain appropriate residential amenity to surrounding development.
- The proposed allotments are appropriately serviced and accessed.
- The resultant allotments will be safe from hazards and are of sufficient size and dimension to accommodate compliant dwelling houses.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.
- The variations to the minimum lot depth (Lot 201) and passing bay requirements have been acknowledged and appropriately justified having regard to the objectives of the controls. Such variations succeed pursuant to section 4.15(3A)(b) of the EP&A Act, which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.